IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

C.R.No. 3481 of 2006

Date of decision : 28.10.2006.

Jiwan Kumar Garg & Anr.

.....Petitioners.

Versus

Satvinder Kaur @ Satinder Kaur & Anr.

.....Respondents.

CORAM : HON'BLE MR. JUSTICE VINOD K. SHARMA

Present : Mr. S.D.Bansal, Advocate
for the petitioners.

Mr. Parveen Moudgil,Advocate
for the respondents.

****

VINOD K. SHARMA,J.(ORAL)

The present revision petition has been filed against the order dated 31.5.2006 passed by the learned District Judge, Patiala vide which the appeal filed by the petitioner against the order dated 5.5.2006 passed by the learned trial Court, was ordered to be returned to the petitioner for want of jurisdiction in the Court, keeping in view the fact that the jurisdictional value of the suit was Rs. 2.21 crore.

In view of the Ordinance dated 26.8.2006 making amendment in the Pubjab Courts Act, all appeals against decision of the Civil Judge now would lie to District Judge irrespective of the value of the suit. In view of this Ordinance the impugned order cannot be sustained. Accordingly, this revision is allowed. The petitioner is permitted to file the appeal before the District Judge, who will adjudicate the same on merit. Learned counsel for the petitioners submits that the time spent by the petitioner in prosecuting

the case before this Court and the lower appellate Court,may be excluded from the period of limitation. It is ordered that if the appeal is refiled within one week of the receipt of certified copy of order, then the same shall be treated to have been filed within limitation and will be decided on merit in accordance with law.

October 28,2006 **(VINOD K. SHARMA)**
'sp' **JUDGE**